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## HERRIMAN CITY PLANNING COMMISSION MEETING MINUTES

*Thursday, November 5, 2015*

*Approved November 19, 2015*

[6:03:04 PM](#) 6:00 P.M. ~ Work Meeting

**Attendance**

**Planning Commission Members:**

Chris Berbert  
Blayde Hamilton  
Adam Jacobson  
Jessica Morton  
Clint Smith

**Council Members:**

Coralee Wessman-Moser

**City Staff:**

Bryn McCarty, City Planner  
Sandra Llewellyn, Planner I  
Heather Upshaw, Senior Planner  
Blake Thomas, City Engineer  
John Brems, City Attorney

### Bella Vea Development – Hard Rock Homes

Tim Soffe oriented the commission with the location of the proposed development and noted that it will be next to the Salt Lake Community College. He felt that originally there were too many of the same type of product. They have added an additional product type and now there are three. The developer would like to set themselves apart from the rest of the area to make this development feel more like a gated community. He illustrated the open space in the development. There will be different prices for different types of buyers. Corey Solum, architect showed elevations of the different products. The elevation has a court yard and is more pedestrian friendly. The town homes have a double car garage. Roads in the development will be public with the exception of the alley ways. Building materials are hardy siding and brick. He showed another building type described as an anchor court yard, rear loaded town home with similar architecture. These units are a for sale product not for rent. Most will be three bedrooms. An additional product is a front loaded town home. There is a lot more open space with this product. The setbacks for these units are 20-22 feet. Side loading garage types were shown. Discussions about the different product types took place. The commission gave compliments for the design and concerns voiced were regarding landscaping, phasing, park layout, parking, basement/storage and the alley loaded product. A discussion about the retail component took place. Chair Smith commented that he liked the layout and the flow but is concerned about the parking. Mr. Solum was asked to include as much visitor parking as possible and suggestions were given.

[6:37:30 PM](#) Review of Agenda Items

City Planner, Bryn McCarty reviewed items on the agenda. Item 2.6 and 3.1 have been withdrawn.

Item 2.1 – Shaw – Daycare Facility. This came before the planning commission a couple years ago. It is in the A-1 zone so the building does not have to meet commercial requirements of 60% brick or stone. Elevations will be shown and it will be for one lot, not a subdivision. Chair Smith asked if sidewalk would be required. City Planner, Bryn McCarty stated that curb, gutter and sidewalk only apply to subdivisions. Commissioner Blayne Hamilton asked about the additional property that they aren't building on and what the plan is for that piece. Planner McCarty was unaware what was planned for the piece.

Item 2.2 – Victory Homes – Detached Garage. The garage is 1,560 sq ft. Typically staff can approve a garage this size but they did receive several complaints and so that is why it was put on the agenda. The lot has a large slope which creates a unique situation. The back yard has the huge slope and consequently, the access for the garage would need to be off another street other than the street the house fronts. There is parking in the area now. The concerns voiced were traffic concerns.

Item 2.3 and 2.4 – Charter School. The charter school is an approved use and a one lot subdivision. The main concern for the charter school is traffic. City Engineer, Blake Thomas recommends staggering operation times. City Planner McCarty detailed the plan for traffic flow. Commissioner Adam Jacobson voiced concern with the traffic flow plan and the ability for parents to drop students off on Herriman Parkway. Chair Smith requested feedback for the public hearing for the one lot subdivision. He further explained that the public hearing is for the one lot subdivision and not the charter school. He had a request to leave the public hearing open because some people are not able to come tonight who would like to comment. The commissioners felt that both items should be discussed simultaneously and that they should act on the charter school first, then allow public comment for the one lot subdivision. Council Member Moser received concerns about traffic and suggested that staggering start and stop times could alleviate a lot of the traffic concern. The school would house K-6<sup>th</sup> grade, adding 7<sup>th</sup> grade the following year and 8<sup>th</sup> grade the following year after.

Item 2.5 – Wasatch South Hills. The plan was changed as discussed in the work meeting last week. An area with all apartments was shown and the change to that area which is now all apartments and townhomes on the canal side. Staff has received several calls about this change.

Item 2.7 and 2.8 Rindlisbacher. This item is for a subdivision and a building lot. The elevations and the layout will be shown.

Item 2.9 KW Advisory Group. The zoning was approved A.25 and this item is for the subdivision. A second plan was submitted yesterday and there are a lot of questions for the item. She suggested having the hearing and asking questions. A problem with two access points was noted.

City Planner, Bryn McCarty requested that Chair Smith announce that the Dansie items have been withdrawn and the city will provide notification when/if they are on the agenda in the future.

John Brems, City Attorney announced that charter schools shall be considered a permitted use in all zoning districts in municipalities. The city can request that certain issues be addressed and have the applicant satisfy those specific items only; otherwise the charter school is a permitted use.

Meeting adjourned at [7:04:32 PM](#)



[7:10:15 PM](#) 7:00 P.M. ~ Regular Planning Commission Meeting

**Attendance**

**Planning Commission Members:**

Chris Berbert  
Blayde Hamilton  
Adam Jacobson  
Jessica Morton  
Clint Smith

**Council Members:**

Coralee Wessman-Moser

**City Staff:**

Bryn McCarty, City Planner  
Sandra Llewellyn, Planner I  
Heather Upshaw, Senior Planner  
Cindy Quick; Deputy Recorder  
Brett geo. Wood, City Manager  
Gordon Haight, Assistant City Manager  
Blake Thomas, City Engineer  
John Brems, City Attorney

**1. GENERAL BUSINESS:**

Chair Smith welcomed those in attendance.

- 1.1 [7:10:39 PM](#) Reverence / Thought: [Reed Dickson](#)
- 1.2 [7:11:16 PM](#) Pledge of Allegiance: [Keaton Jex](#)
- 1.3 [7:11:52 PM](#) Roll call: [Full Quorum. Robyn Shakespear, Jeremy Burkinshaw and Wade Thompson absent](#)
- 1.4 [7:11:59 PM](#) Approval of Minutes for: [October 22, 2015](#)

Commissioner Adam Jacobson **MOVED** to approve the minutes for October 22, 2015.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

Chair Smith reminded the audience about the public comment policy and procedure. Two items on the agenda have been withdrawn, item 2.6 Jesse H Dansie Trust and item 3.1 the proposed rezone. They will not be discussed. It will be re-noticed if/when it comes back to the planning commission.

## 2. Administrative Items:

*Administrative items are reviewed based on standards outlined in the ordinance. Public comment is taken on relevant and credible evidence regarding the application's compliance with the ordinance.*

### 2.1 [7:15:42 PM](#) **36C15** – Shaw – 6044 W 13400 S – Proposed Daycare Facility – Zone: A-1 Acres: 1.68

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. A layout and elevations for the facility were shown. This proposal came before the commission a couple of years ago but they did not move forward at the time.

Steve Shuler, Summit Engineering and Rachel McKenzie, architect, were representing the owner. Mr. Shuler explained that the owners have two existing daycare facilities and have operated them successfully for a number of years.

Commissioner Adam Jacobson asked what was planned for the land to the east of the facility. Ms. McKenzie reported that it is undecided and that the applicant has no plans to put anything on it at this time. The goal is to complete the daycare. The remaining lot is around half an acre to three quarters of an acre.

Commissioner Chris Berbert asked if the remaining property would be left undeveloped/natural. The applicant commented that it will probably be like other areas in the city and serve as retention.

Mr. Shuler asked about the masonry wall requirement and wondered if there was room for discussion on the type of material for the wall. Planner, McCarty stated that they do consider this commercial even though it is an A-1 zone. There is residential next door.

Chair Smith turned to the planning commission for further discussion. He did receive a comment form regarding concern over the location and that it is against residential. The hours of operation for this facility will be 6:30am–6:00pm and will have a maximum of 120 kids. Commissioner Jessica Morton felt strongly about having a masonry wall next to residential and all commissioners agreed. Building materials were discussed. Commissioner Adam Jacobson would like to stay consistent and see a color and material board for the building. He would also like the fencing in the extra lot to be addressed (the north side of the remaining lot). The applicant questioned the reason for a masonry fence. Commissioners explained it provides a separation and Planner, McCarty commented that the ordinance requires a masonry wall between residential and commercial and this is a commercial use. She reminded the applicant that the ordinance was updated six months ago. Chair Smith explained that the fence would act as a hard barrier between the different uses. The applicant felt strongly that the requirement for the masonry fence is only for look. Commissioner Jacobson felt that it needs to be solid masonry as required by ordinance and wondered where the fence would go. Planner, McCarty explained that it would be along residential. She didn't feel the empty lot should require fencing. Commissioner Chris Berbert was concerned about the resident who lives next to this property and would like a buffer because of the cars entering the facility. The applicant reminded commission that there will not be 130 cars coming in all at once, that it would be more like 7 at a time. Landscaping was suggested for that corner where the cars enter next to the resident. No traffic study had been provided for the facility. City Engineer, Blake Thomas reported that daycare centers typically don't interrupt with peak traffic hours. Commissioner Morton would like to amend item 5 to see the colors come back to the commission. Commissioner Berbert would like fencing adjusted and required around the footprint of the business.

Commissioner Jessica Morton **MOVED** to approve the item with the requirements outlined by staff; with item number 5 to see the building elevations come back to the planning commission, with some type of color board; number eight, a six-foot high masonry wall around the footprint of the business to follow the landscaping all the way around the building as drawn. (Around the property outlined to be landscaped not including the vacant field).

Commissioner Blayde Hamilton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.2 [7:37:54 PM](#) [37C15](#) – Victory Homes – 14862 S Aurora Vista Cir – Proposed Detached Garage Zone: R-1-15 – Acres: .88

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. The lot is almost an acre. The proposed garage would enter from Woodsmere Lane. The ordinance allows a detached garage up to 1200 sq ft this garage is 1600 sq ft. She showed pictures of the home and lot to show the slope and elevation and how the garage will sit below the home. There were comments received. Staff typically requires that the building elevations match the home which it does. The height is not an issue.

Dave Williamson, representing the property owner, explained that the garage is larger than the 1200 sq ft minimum. He responded to the commission that there is some vinyl fencing, a split rail on one side only. The other side hasn't been built on. There is a plan to have fencing along Woodsmere Lane. The setback is 20 feet. The street is not busy, it is typical residential traffic.

Chair Smith reported on a comment form received which was opposed to the idea of a detached garage here and turned to planning commission for further discussion. Commissioners would like a fence and gate along Woodsmere Lane. Commissioner Adam Jacobson was concerned about the storm drain along this road. City Engineer, Blake Thomas reported that there were no issues with the storm drain. Chair Smith explained the unique situation of the garage being the slope of the land and the entrance of the garage from another street. He understood that this is the only way a detached garage would work. Chair Smith agreed with the request for fencing and would like landscaping to be required with the completion of the garage. City Planner, Bryn McCarty mentioned a concern with fencing and a clear view. She wanted there to be visibility when backing out of the garage; ordinance requires 12 foot clear view next to the driveway. Commissioner Jacobson explained that the intent of fencing was to make it not look like a standalone garage Chair Smith agreed.

Commissioner Adam Jacobson **MOVED** to approve the item with staff requirements with a ninth requirement to install at a minimum solid white vinyl fence along the entire property line of Woodsmere Ln including the driveway to be gated or however that works out to be.

Mr. Williamson commented that in order to utilize the garage the gate would be very big. He proposed that fencing only come to the side of the building to allow the driveway to be open.

Commissioner Adam Jacobson explained that the intent of the fence is to cover the garage he suggested turning the building and creating a side entrance into the garage and asked to retract his motion. He felt the commission was designing this area and that should be the applicant's responsibility. Commissioner Blayde Hamilton suggested putting the doors on the other side of the building and mentioned that he would like to hide the building. Chair Smith commented that he would like to protect the interest of the residents on the street that the garage fronts, however, none of the commission is opposed to the building. The commission would like to see a better plan allowing screening of the building along Woodsmere Ln.

Mr. Williamson was concerned with the weight of a gate and asked what fence style would be required. The response was for the fence style to fit in with the neighborhood. Commissioner Jacobson requested the plan show a reduction of impact for the proposed use.

Commissioner Adam Jacobson **MOVED** to continue the item to work with neighbors and come back with a plan that minimizes the concern for a bunch of garages on Woodsmere Ln, to continue without date.

Commissioner Blayde Hamilton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton Yes

Commissioner Blayde Hamilton Yes

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Vote passed.

Motion carried.

2.3 [7:58:05 PM](#) **03P15** – The Charter School Fund, LLC – 12309 S Mustang Trail Way – Proposed Charter School – Zone: R-2-10 – Acres: 10.5

Chair Smith commented that both 2.3 and 2.4 will be discussed together.

City Planner, Bryn McCarty reported that the charter school is a permitted use however, the commission can review traffic, ingress and egress, building height and setbacks. The second item (2.4) is for a one lot subdivision to create one legal lot. The charter school itself is not a public hearing but the subdivision is a public hearing. The commission was shown site plans, aerial maps and other images prepared. Elevations for the school were shown. Blake Thomas, City Engineer will speak about a completed traffic study. The staff doesn't have any issues with the plan; however, traffic issues are of concern.

Adam Zaragoza, 918 9<sup>th</sup> Street, Boise ID (applicant), offered to answer any questions the commission may have.

Commissioner Chris Berbert asked about traffic and what the plan was for traffic on the property. Mr. Zaragoza described two access points and flow of traffic on the property for drop off points and pick up points. Commissioner Berbert questioned if the design would prevent parents from dropping their children off on the main streets surrounding the school. The response was that this model is used for traffic flow for all their charter schools. Chair Smith asked if the traffic flow works well. He was concerned with wrapping all the way around the school and how that would work. The response was that the facility in Minnesota has nothing but positive things to say about the traffic flow. The school uses an app to let parents know when their child is ready to be picked up. Exiting of children is controlled by the administration. Commissioner Jessica Morton asked about having to go around and around the building if a child isn't ready yet. The response was that they try not to have that happen and the app has helped with the process. There are several different drop off and pick up zones. Commissioner Berbert voiced concern again with the parents dropping children off on the main road because it is a very busy road. He asked if they plan to have fencing around the school. The response was that there will not be fencing around the school. Chair Smith asked to for a report on the traffic study.

City Engineer, Blake Thomas reported that the applicant hired Hales Engineering to perform the traffic study and mentioned that they are a reputable company. They studied traffic at Anthem Park Blvd & Herriman Parkway; Herriman Parkway and 6000 West; and Main Street and 6000 West, right as school started. Herriman Parkway and 6000 West operate at a level F because you have to wait at the intersection for longer than 8 minutes. Anthem Park and Herriman Parkway operated at a level C. Main Street and 6000 West operate at a level B. The addition of the school would make it an F-. Recommendations were to stagger start times from the high school by a half hour. He pointed out that the study showed that one entrance would be closed. Future build out could provide improvement but it will always be level of service D or F at Herriman Parkway and 6000 West during peak school times. The rest of the time it's at an A or B. Commissioner Chris Berbert asked to reiterate the comment that all schools operate at a level F during peak times. The response was that is true. He mentioned that the worst school is Providence Hall. However, Main Street is a large road and is the best road to handle the flow.

Chair Smith reported that there are two items. The charter school is a permitted use in any zone by state statute. There are limited items that can be addressed. Planner McCarty reminded the commission that those items are curb cut, access, traffic circulation, setbacks of the building and building height.

[8:15:01 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

#### **Citizen Comments:**

Chair Smith reminded those wishing to comment that the comments are to be for the one lot subdivision only.

LaRue Edwards is on the school community council for Herriman High School. She is concerned with the location of this charter school being so close to Copper Mountain Middle and Herriman High School and the traffic that will only compound existing traffic problems. She reported that Herriman High School has proposed going to a late start next year.

Rosanne Delaney is on the community council and is the PTA president at Herriman High School. She was concerned with an increase in traffic. There has been an increase in accidents and the school is already at 2,666 students but was built to accommodate 2,500. Community Council has put together a sub committee to appeal to the city for traffic concerns. She was not against the charter school but very concerned for safety of parents and children.

Scott Alden, 6968 W Boulder Ridge Cir, opposed to having this location for a charter school because of the traffic patterns. He has children attending both Copper Mountain Middle and Herriman High School. He felt the width of the road needs to be addressed. He suggested installing medians in the road, to stop illegal u-turns and suggested only allowing right turns when coming out of the school. He also suggested increasing the parking area around the school. He would like to paint curbs to not allow parking on the street.

Jared Henderson, 12568 S Heritage Hill Ct, questioned the size of the lot for this proposed charter school. He wondered if it was possible to have more room for cars in the drop off / pick up area allowing more room for cars to be on the property of the charter school instead of the main roads.

[8:24:03 PM](#) Chair Smith closed the public hearing.

Chair Smith asked for a motion on 2.4 first.

Commissioner Adam Jacobson was concerned with the impact to the public streets. He felt the design for the parking lot and drop off area was too tight and requested that they minimize the ability for people to drop students off on the right-of-way. He suggested providing fencing. He felt that there was too much pavement in the design. City Planner, Bryn McCarty explained that open space is not a requirement and read the items that the commission can address: set backs, height, bulk and massing regulations, off site parking, curb cuts and traffic circulation. Commissioner Jacobson asked the commission how they felt about the set back from Herriman Parkway. Planner McCarty reported that commercial buildings typically require 20 feet of landscaping along the road. The driveway is 20 feet and there is landscaping planned as well. The school would be 45-50 feet from the road. Chair Smith stated that meets the ordinance and there is not much that can be done. Commissioner Berbert felt that the distance of 45-50 feet from the road seemed adequate. Chair Smith explained that major traffic happens around any school and having the school by a major corridor is best to handle that traffic flow. He suggested staggering start times. Commissioner Jacobson felt that the current setback wasn't appropriate he felt that it is visually too close to the road. Chair Smith asked about plans for fencing along Herriman Parkway. The response was there is no parking allowed on Herriman Parkway and the only fencing is around the ball fields. The fencing next to the residential is being worked out with adjoining property owners. Commissioner Blayde Hamilton asked staff fencing requirements. Planner McCarty reported that the ordinance states the commission cannot impose fencing requirements, however, the commission can mitigate traffic concerns and if the commission concludes that fencing will mitigate traffic, then it can be required. Commissioner Berbert felt concerned about parents dropping kids off on the main roads. A

discussion about the set back and the length of the driveway for the drop off area took place. Chair Smith requested more detail for the traffic flow and stacking ability in the drop off areas. He asked staff if the state fire marshall had any concerns. The response was that they have not spoken with the state fire marshall but UFA gave standard requirements.

2.4 [8:42:10 PM](#) [27S15](#) – The Charter School Fund, LLC – 12309 S Mustang Trail Way – Proposed One Lot Subdivision – Zone: R-2-10 – Acres: 10.5 – Units: 1 (PUBLIC HEARING)

Commissioner Adam Jacobson **MOVED** to continue item 2.4 27S15 without date to have the applicant address setback concerns of the school, related to Herriman Parkway and the traffic flow; and bring back a model or some type of simulation in peak hours so the commission has a better understanding of traffic flow in this area.

Commissioner Jessica Morton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Chris Berbert	No
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

Commissioner Adam Jacobson **MOVED** to continue item 2.3 03P15 without date to have the applicant address setback concerns of the school, related to Herriman Parkway and the traffic flow; and bring back a model or some type of simulation in peak hours so the commission has a better understanding of traffic flow in this area.

Commissioner Jessica Morton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Chris Berbert	No
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.5 [8:43:48 PM](#) [44Co8-01](#) – Wasatch South Hills – 3600 W 15800 S – Amend the Approved Master Plan for the South Hills PUD – Zone: R-2-15/R-1-15/MU-2/R-2-10 – Acres: 436

City Planner, Bryn McCarty oriented the commission with an aerial map, site plans and other images prepared. This property received an original PUD approval in 2009 for the entire property. They would like to amend that approval to reallocate the density in different areas. The original approved plan and the new plan was shown. The plan shown was different than the one sent out in the notice. It was separated to show townhomes and apartments instead of just apartments. They are not asking for more density they are just shifting it around. The difference in units from the original proposal was illustrated. There will be an adjacent soccer park next to the town homes. The Salt Lake Community College will be north of the soccer park. The approval is for the moving of the density. Pictures were shown to show the type of apartment complex they are proposing and

requirements would be included to make sure the project show would look like type shown. A reception center and a massage center are included in the plan. There is a condition that states the amendment of this plan would be subject to the soccer park being installed and the complex looking like the one shown. The council will need to amend the development agreement to match. The soccer fields would be built before the complex. The new plan shows 568 units on the south side of the road and the rest were shifted to the north side.

John Lindsley (applicant), representing Wasatch South Hills, believes this is the best use for the land and makes sense for the area. He reported that there will be commercial land around the community college. He described the apartments as an 'apartment resort' similar to the Four Seasons in Logan. It is high class and a great addition to the soccer stadium. He divulged that they are still trying to acquire the land for the soccer stadium. This product would not be a subsidized product. He described that the soccer field would be used for a soccer academy location.

Chair Smith had received comment forms on this item and felt that due to the significant changes in the proposed development that public comment should be allowed. He requested consensus from the commission and the consensus was to allow comments.

[8:54:42 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

#### **Citizen Comments:**

Bluffdale Mayor, Derk Timothy, 14350 S 2200 W, noted concern with the apartments proposed being right next to homes that are already established. Bluffdale City has concern with 3600 W and 15000 S not connecting. The plan was for everything east of Mountain View Corridor to be acre lots. The amount of traffic coming through Bluffdale on the current size of roads would be very troublesome. Bluffdale City has spent close to or over the equivalent of their general fund on Porter Rockwell Blvd. Bluffdale City currently own 80% of the land and will soon own 95%. They had been planning on five lanes for Mountain View Corridor, however, Federal Hwy Administration and UDOT required them to change to 7 lanes because of the traffic imposed. By 2020 the road will be built except for the bridge. Bluffdale is trying to help Herriman traffic get on to Mountain View Corridor. With the density switch proposed it will create more traffic and congestion. The soccer complex will put more pressure on Bluffdale to connect. However, the city resolves not to connect. Millions of dollars have been spent to help the traffic because they are thinking regionally and it will be a process.

Nathan Brock, 14707 S Hollow Creek Drive, will be right next to the density. He does not want the density flip proposed to happen and have apartments overlooking his back yard. He felt concerned with resale value and traffic. He strongly opposed this proposal.

Mark Ostler, 14747 S Castle Valley Drive, is across the street from the canal. He opposes the density. He reported that if he had known about the change he wouldn't have bought the lot he lives on. He feels impacted by the proposal.

Tyler Howland, 14788 S Castle Valley Drive, was concerned about the ability of the developer to reallocate the density to such a confined area because of the proposed soccer complex. He felt the proposal had been grandfathered into an old city code. He seconded what had already been said. The elevation change is of concern. He would have reconsidered building his home if he had have known this proposal wouldn't have to abide by current city code.

Daniel Hardle, 3437 W. Shiloh Creek Cir, lives in neighboring community in Bluffdale. His property comes up against the canal. He supports what has already been said. The developer also planned his community which has not even been completed. He felt frustrated about building his home in the area of homes that are \$600,000 to \$1.7 million. He felt bamboozled about the change to this area before his development has even been completed. He is in strong opposition.

Charlie Estes, 14836 S Castle Valley Drive, his home backs up to pod #2 in the proposed development. He did research before he bought the home to make sure there was not high density housing in the area. He was

concerned about the height of the development affecting his view because that's what he paid for. He did not plan to have street lights and high density housing next to his home. He asked the commission to consider going back to the original plan.

Neal Gatherum, 14902 S Castle Valley Drive, his home backs the development. He commented that community isn't bound by the boundaries of cities. The thought of large acre properties going to apartments doesn't feel like proper transitional phasing. He proposed transitional phasing from horse property to medium density then to town homes and then to high density. He seconds previous comments made.

Nancy Lord, 3754 W Pheasant Hollow Lane, formal Bluffdale City Council Member, asked the commission to think of these people commenting as if they were living in Herriman City or if they were you. She asked how they would feel if this was their lot or their home. She mentioned that if Bluffdale would have kept the land they would have transitioned away from the canal and used lower density next to the canal; putting the highest density next to Herriman City and next to Herriman roads but that didn't happen. Now Herriman has the opportunity to treat these folks neighborly and ask the developer to reconsider and provide a plan that transitions away from the low density lots and consider that they owned the land first.

Dale Jensen, 14858 S Castle Valley Drive, he is next to the canal and agrees with what has been said and is united in the opposition.

Bryan Hansen, 3448 W Shiloh Creek Cir, felt concerned with the layout. He paid a premium for his lot and remarked that if he knew about the density he would have never built his home. He voiced concern over his view changing. He also liked the idea of transitional phasing.

Josh Tolbert, lives in the same neighborhood and recounted that the previous plan approved didn't show the density as now proposed. He stated that the soccer stadium was supposed to be a great thing for the community but was confused that they don't even own the land, it felt speculative to him. He didn't understand how the soccer fields would benefit the community; he perceived it more as a business. He concluded that the prior approval was better. He believed the proposal was to make more money.

Dave Laga, 3464 W Shiloh Creek Circle, voiced support of previous comments made.

Devin Christensen, 14969 S Castle Valley Dr, concerned about the proposed street (15000 S) and the traffic resulting from the proposed apartments. He was concerned about the soccer academy and the applicant not owning the land. His son was accepted to a soccer academy and he cited that the tuition was \$50,000 a year adding that he assumes that is not an open facility and not for community use.

Brandon Eskelson, 14812 S Castle Valley Dr, lives next to pod #2. He understands that growth and change will occur but added that the neighborhood he lives in is a higher end community and he loves his current view and the animals that come through the area. He was concerned about having a giant wall next to his home and losing what he worked so hard for. He felt the decision should be about people not about money.

David Watts, 14461 S Windom Road, understood the emotions expressed, however, he believes putting apartments next to a large traffic corridor makes sense. He requested that the commission add a requirement that the apartments will not be subsidized and agreed that the development should be subject to the soccer field going in first

Matthew Clark, 14956 S Castle Valley Dr, echoed previous statements made. He thanked the commission for their service and expressed being one community even though we are two different cities. He challenged the commission to figure out a way to make this development work to make a community that we can be proud of. He again applauded the commission for their service.

Les Rose, 6465 Peace Maker Way, felt that density makes sense next to the Mountain View Corridor and the Salt Lake Community College.

Angie Atkinson, 14819 S Boulden Falls Lane, opposed the change. She reported that Mountain View Corridor does have two sides and felt that the apartments could go on the other side. The proposal doesn't make sense having it right next to a large subdivision.

Lindsey Estes, 14836 S Castle Valley Dr, echoed all that had been said. She doesn't want high density housing on the mountain side. She believes it would be harmful to the general population as a whole. She doesn't see anything wrong with the original plan/layout.

[9:29:19 PM](#) Chair Smith closed the public comment portion.

Chair Smith thanked residents for being part of the process and making their voices heard. He felt that being in an appointed position could be very difficult; serving the public and having difficult decisions placed before you. None of the commission members take decisions lightly and respect the views offered. Sometimes the planning of one city doesn't line up with a neighboring city. Sometimes that puts the commission in the line of fire from the public. Just because planning doesn't always line up it does not mean that we don't want to be good neighbors. Chair Smith asked for clarification of whether or not this plan included a plan to connect streets across the Welby Jacob Canal or in this area with Bluffdale roads. City Planner, Bryn McCarty responded that roads will not connect unless Bluffdale wants them to connect. The roads will never cross the canal unless Bluffdale wants them to. Chair Smith reported that the traffic resulting from these developments would not use Bluffdale streets. He supported moving the density next to a major corridor that would support the community. He does support the move of density next to the community college and retail planned for in the area.

Commissioner Chris Berbert asked if there were plans for trails along the Welby Jacob Canal. Planner McCarty responded that there was a plan for trails and a detention area of about 40 feet next to the canal. Commissioner Berbert pointed out that pod 3a was proposed apartments and pod 2 was proposed town homes. He felt that could be considered a buffer. He asked about the sports academy and what the months of operation would be. Mr. Lindsley responded that it would be a year-round facility and divulged that they have negotiated with the school district to donate the land and added that the field will be for public use.

Commissioner Blayde Hamilton asked about the south and west areas for density whether or not the property had been cleaned of unexploded ordinances. Mr. Lindsley reported that they have estimated a couple of years to get the area cleaned. Commissioner Hamilton announced that he felt this was a good move because of those unexploded ordinances. He asked the applicant to have a certificate showing proof of the area being cleaned. Mr. Lindsley responded that they are very meticulous in their cleanup and said he would have a certificate/report that the area is cleaned.

Commissioner Jessica Morton liked the density by the community college. She also noted that the city generally does require a buffer from one density to another. Commissioner Hamilton and Jacobson agreed. Commissioner Hamilton reminded those present that this would not be a viable plan if the soccer stadium is not established and did not feel comfortable making a decision after all the comments that have been shared.

Commissioner Jacobson agreed he didn't mind pod 3 but did feel that a buffer is needed. He would like to require that pod 2 provides more of a buffer area or balance between pod 2 and pod 5. Commissioner Hamilton does not want to encroach on our neighbors. Commissioner Jacobson suggested providing a buffer in pod 5, pod 14 and pod 2. Chair Smith communicated that the commission was most concerned with pod 2 and desired that the applicant provide a buffer in that pod and a few other pods, as well. Commissioner Chris Berbert was worried about the request being tough for the area and for residents. Commissioner Jacobson voiced concern for a motion until the soccer field is a sure thing. Commissioner Berbert asked for confirmation that the amendment is subject to the sports field being constructed or it will go back to the prior approved plan. He believes the sports field would be good for the community.

[Commissioner Adam Jacobson \*\*MOVED\*\* to continue the item without date until the applicant can come back with a buffer along the Bluffdale property line.](#)

Commissioner Chris Berbert **SECONDED** the motion. Even if pod 2 moves some to pod 4 it is helping to provide a buffer.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

- 2.6 [9:47:45 PM](#) **33C15** – Jesse H Dansie Trust – 7070 W 13090 S – Proposed Planned Unit Development – Zone: Salt Lake County – Units: 1,429 – Acres: 476.51 **(WITHDRAWN)**

[9:48:22 PM](#) Five Minute Break Requested

- 2.7 [9:58:09 PM](#) **28S15** – Rindlisbacher – 15800 S Camp Williams Rd – Proposed 6 Lot Commercial Subdivision – Zone: M-1 – Acres: 51.94 – Units: 6 **(PUBLIC HEARING)**

Chair Smith noted that item 2.7 will be discussed with item 2.8.

City Planner, Bryn McCarty oriented commission with aerial map and site plans. The items are for a conditional use for a business park and a six lot subdivision with the remaining property shown as one big lot. There are challenges with this site; there are utilities running through the property, canal, power corridor and gas line, etc. The area is next to the Mountain View Corridor and UDOT has assigned one access point. The area is rather flat. The freeway will come above the property. A site plan outlining the utilities was shown. Pictures of other buildings that have been completed by the applicant were shown to illustrate that a similar look was planned for this development. These buildings are not retail and do not have to match retail design guidelines. Bonneville trail comes through the area and staff would like to see a connection provided to that trail. This will be the only connection off Porter Rockwell Rd, access is limited and would need to maintain that access and a potential connection all the way through. The subdivision was on as a public hearing.

Kim Rindlisbacher, Scenic Development, explained access options and shared that they are almost to the finish line in regards to working with UDOT. He has met with utilities in the area and those utility companies have been fine with the site plan because they are not encumbered. Parking was an issue but they do have 343 parking stalls and could fit more. Landscaping requirements will be easily met and trees and shrubs will be provided. The applicant will own and maintain yard space. If a tenant does want yard space it can be leased to them. He noted that a fence was requested along the corridor and proposed that it comes back to the planning commission when a tenant wants yard space so the fencing can be worked out then. The reason for that request is because he doesn't know where the road will end up (elevation wise). City Planner, Bryn McCarty asked whether or not there would be a light on Porter Rockwell and the response was yes. Mr. Rindlisbacher thought that an Indoor/Outdoor RV storage facility for lot six would be good use of the area. Commissioner Chris Berbert asked about proposed fencing for that area. Mr. Rindlisbacher will provide proper screening for that area and would like to continue to work with the commission for future fencing/screening. He explained that they do provide fire sprinklers for all their tenants.

[10:15:52 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

**Citizen Comments:**

None

[10:16:21 PM](#) Chair Smith closed the public hearing.

Planner McCarty stated that staff required any outside storage facility will come back to the commission for approval. She noted that fencing is requirement number 7 and it does need to be discussed. She briefly talked about building elevations and the applicant is open to the elevation design. He did declare that he likes the copper look. The commission can approve the elevation or have them brought back. Commissioner Chris Berbert asked for clarification that the elevation is all brick/split face and that the landscaping is water wise. He questioned the signage. Planner McCarty responded that the elevation is brick/split face and the landscaping is water wise; the signage is a separate approval.

Commissioner Jessica Morton **MOVED** to approve the item with requirements outlined by staff.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.8 [10:19:39 PM](#) **39C15** – Rindlisbacher – 15800 S Camp Williams Rd – Proposed Business Park Zone: M-1 – Acres: 51.94

Commissioner Chris Berbert asked whether or not the only need for fencing would be along Porter Rockwell. Chair Smith responded that it's stated, if it becomes encumbered along Mountain View Corridor that the applicant would have to come back for fencing requirements. He also noted that item number four states that building elevations will come back or be approved by staff. Commissioner Blayde Hamilton suggested bringing the elevations back and that number 7 requires a six foot masonry fence along the north property line adjacent to Porter Rockwell. Commissioner Berbert felt fine about the elevations proposed. Commissioner Adam Jacobson wants the elevations to come back.

Mr. Rindlisbacher asked for clarification about buildings along Mountain View Corridor. He would like the buildings to be visible from the road for signage. He mentioned they would put in landscaping. Commissioner Hamilton expressed a desire to be consistent with requirements. Planner McCarty specified the only requirement for fencing is to separate uses which doesn't apply here. A brief discussion about the trail system took place. Chair Smith would rather see landscaping by Porter Rockwell. Commissioner Berbert wanted the elevations to come back.

Commissioner Blayde Hamilton **MOVED** to approve the item with staff recommendations and special attention to number four that it comes back to planning and zoning commission and that number seven reads that a six foot masonry fence runs on the north side of property from the Mountain View Corridor down to the west building on lot 2.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
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Commissioner Blayde Hamilton	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.  
Motion carried.

2.9 [10:28:48 PM](#) **26S15** – KW Advisory Group – 7360 W 13300 S – Proposed Single Family Lot Subdivision – Zone: A-.25 – Acres: 15.95 – Units: 38 (PUBLIC HEARING)

City Planner, Bryn McCarty explained that the property was rezoned and annexed into the city effective January 1<sup>st</sup>. She oriented the commission with a site plan and aerial map. The area proposed is 15-16 acres. She showed the old plan and discussed a new entrance. There are two entrances; however, only one goes out onto a main road. The density is 2.4 units per acre; however, the area is zoned for 1.8 units per acre. The applicant needs to demonstrate how they meet the density requested. Staff recommends having a public hearing and continue the item to work through some issues.

Colby Bond, KW Advisory Group, 1514 W 925 S, Syracuse, commented about the density and noted as they go through the process, changes would occur. He mentioned that the cul-de-sac lot shown will be turned into a playground and donated to the city. The city can do what they'd like to make that a nice entrance. He reported on the accesses and a round-about causing great impact to the development. The grade is about 15-18 feet. Regarding density, they will cooperate with the city for services and will bring the storm drain out of high country. They are combining two properties to make one subdivision. They are providing an 80 foot right-of-way that will also provide a park strip on Herriman Highway. He requested further guidance from the commission to provide specifics to his engineer.

Chair Smith asked for the applicant to reiterate how he is qualified for a density of 2.4. He restated that the density is 1.8; the dedication of the right-of-way provides a 10<sup>th</sup> of a point. The combining of two continuous properties provides .05. The playground area gets another .10 and the storm drain gets .2. Those items get him closer to a density of 2.4. Commissioner Adam Jacobson explained that a half acre park is needed to receive a point and reviewed the points the plan is eligible for; therefore, the highest Mr. Bond could have with the items mentioned would be a density of 2.2. He also communicated that he would not approve a subdivision that has driveways on a main road. Existing home driveways are fine, however, no new driveways will be allowed. Chair Smith was concerned that having only one access for the subdivision with over 30 lots will not be okay. Two access points will be required for a subdivision of over 30 lots. He further added that the second access will need to be connected to something, somewhere; not a dead end. Commissioner Jacobson asked for the applicant to show the setback on lot #201. Chair Smith suggested that lot #201 become the monument place or entrance into the city. The applicant understood his request. Commissioner Chris Berbert asked how many lots were in this subdivision; the response was 34.

Blake Thomas, City Engineer addressed the round-about location explaining that it will be set by the gas line. There is a ravine, west of the bus stop, and the gas line follows the lay of the land through that ravine. The round-about will come in around lot 110 or 111. There is a significant grade in the area. He commented that he was waiting to see what density would be approved, to see if it will work out. He said that fewer lots make it easier. Staff will work with the applicant to help calculate the density. The right-of-way goes to the south side of Main Street on the annexation plat. To make the 80 foot right-of-way, all of the dedication is along this property. If the round-about goes in, then it could be a 66 foot right of way and there would be room for bike trails and a walking trail.

[10:46:01 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

### **Citizen Comments:**

Amber Van Horn, 7534 Canyon Rd, commented that the development would be going in behind her. She was concerned about traffic and the entrance, in and out of Hi Country, because it's a blind corner. There is another blind corner, east of her, as well. She was worried about the roads in the development. The round-about could fix some of the problems and concerns; therefore, she would like to see the development be contingent on fixing that area.

David Watts, 14461 S Windom Rd, was concerned about access off of lots 101 and 102. He wanted the public hearing to be left open, to provide an opportunity for concerns to be shared in case something changes on the plan.

Chair Smith requested input from the planning commission regarding leaving the public hearing open. Commissioners felt like leaving it open made sense.

Chair Smith reported that he would hold the public hearing open.

Commissioner Adam Jacobson **MOVED** to continue the item without date.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

### **3. Legislative Items:**

*Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.*

- 3.1 [10:50:30 PM 22Z15](#) – Jesse H Dansie Trust – 7070 W 13090 S – Proposed Rezone to A-.25 as Part of the Annexation Process – Zone: Salt Lake County – Acres: 476.51 (PUBLIC HEARING) (WITHDRAWN)

Chair Smith reported again that this item was withdrawn and will be re-noticed if it comes back to the commission.

### **4. New Items of Subsequent Consideration:**

None

### **5. Future Meetings:**

- 5.1 City Council Meeting - Tuesday, **November 17, 2015** @ 7:00 PM  
5.3 Planning Commission Meeting - Thursday, **November 19, 2015** @ 7:00 PM

6. **ADJOURNMENT:**

Chair Clint Smith called for a motion to adjourn.

Commissioner Jessica Morton **MOVED** to adjourn the meeting and Commissioner Adam Jacobson **SECONDED** the motion. The voting was unanimous. Motion carried.

The meeting adjourned at 10:51:25 PM.

*I, Cindy Quick, Deputy Recorder of Herriman City hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on November 5, 2015. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*



*Cindy Quick, CMC  
Deputy Recorder*